

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JASON COOKSEY AND HEIDI COOKSEY AND  
SARAH COOKSEY, SYDNEY COOKSEY AND  
SADIE COOKSEY, MINORS, BY AND THROUGH  
THEIR NATURAL GUARDIANS JASON AND  
HEIDI COOKSEY**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 1:18cv49-LG-RHW**

**HUNT SOUTHERN GROUP, LLC FKA  
FOREST CITY SOUTHERN GROUP, LLC,  
FOREST CITY RESIDENTIAL MANAGEMENT, LLC,  
HUNT MH PROPERTY MANAGEMENT LLC,  
UNKNOWN JOHN AND JANE DOES A THROUGH M, AND  
OTHER UNKNOWN CORPORATE ENTITIES N THROUGH Z**

**DEFENDANTS**

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT – IMPLIED  
WARRANTY OF HABITABILITY EXISTS AS A MATTER OF LAW**

COME NOW Plaintiffs, by and through their counsel of record, Rushing & Guice, P.L.L.C., and file this Motion for Partial Summary Judgment – Implied Warranty of Habitability Exists as A Matter of Law, and would show this honorable Court as follows:

1. Plaintiffs allege in their Complaint/Amended Complaint (Document 306) that Defendants violated the Implied Warranty of Habitability.
2. The implied warranty of habitability is implied in all residential leases.
3. Implied warranties are those promises not explicitly made by contract, but are nonetheless enforced by courts. Black's Law Dictionary (10th ed. 2014). Implied warranties arise by operation of law because of the circumstances of the lease rather than by the lessor's express promise.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request this Court grant Plaintiffs' Motion for Partial Summary Judgment and find that the implied warranty of habitability exists as a matter of law.

Respectfully submitted this the 10th day of May, 2019.

RUSHING & GUICE, P.L.L.C.  
Attorneys for Plaintiffs

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of May, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system which sent notification of such filing to all counsel of record.

SO CERTIFIED this the 10th day of May, 2019.

/s/ Maria Martinez  
MARIA MARTINEZ